

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed February 19, 2004. Claims 1-21 were pending in the application. Applicants have canceled Claims 2, 3, 4, 11, 12, 13, and 20 and have amended Claims 1, 7, 8, 10, 16, 17, and 19. Favorable action is respectfully requested.

Objection to the Specification

The Examiner objects to the specification because the applications listed in the "Related Patent Applications" section are missing application serial numbers and a corresponding filing date. Applicants have amended the specification to add the serial numbers and filing date of these patent applications.

Section 112 Rejections

The Examiner rejects Claims 7, 8, 16, and 17 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctively claims the subject matter which applicants regards as the invention. In particular, the Examiner states that the phrases "a multiple of a symbol rate of the WDM signal within 0.4 to 0.6 of an integer" and "a multiple of a symbol rate within substantially 0.5 of an integer" are confusing and unclear. Applicants have amended Claims 7, 8, 16, and 17 to clarify the subject matter which the Applicants regard as the invention. Therefore, Applicants respectfully submit that Claims 7, 8, 16, and 17 are in condition for allowance. Reconsideration and favorable action is requested.

Section 102 Rejections

The Examiner rejects Claims 1, 2, 6, 10, 11, and 15 under 35 U.S.C. § 102 as being as being anticipated by U.S. Patent 5,483,368 issued to Ohshima ("*Ohshima*"). The Examiner also rejects Claims 1, 2, 10, and 11 under 35 U.S.C. § 102(b) as being as being anticipated by U.S. Patent 5,907,421 issued to Warren et al. ("*Warren*").

Applicants have amended Claim 1 to include both the limitations of dependent Claim 2 and the limitations of either Claim 3 or Claim 4. Claim 10 has been similarly amended to include the limitations of Claim 11 and the limitations of either Claim 12 or Claim 13.

Because the Examiner has not indicated that the limitations of Claims 3, 4, 12, or 13 are found *Ohshima* or *Warren*, Claims 1 and 10 should now be in condition for allowance, as well as the claims which depend from these independent claims. Favorable action is respectfully requested.

Section 103 Rejections

The Examiner rejects Claims 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Ohshima*. The Examiner also rejects Claim 21 under 35 U.S.C. § 103(a) as being unpatentable over *Ohshima* in view of an article by Takato.

Claim 19 has been amended to include similar limitations as those added to Claims 1 and 10. Because the Examiner has not indicated that these limitations are found *Ohshima* or the Takato article, Claim 19 should now be in condition for allowance, as well as the claims which depend from this independent claims. Favorable action is respectfully requested.

Double Patenting Rejection

The Examiner provisionally rejects Claims 1-4, 6-8, 10-13, 15, and 16 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-16 of copending Application Serial No. 09/853,318 in view of *Ohshima*.

Since Application Serial No. 09/853,318 is still currently pending, if this provisional double patenting rejection is the only rejection remaining in the present application in light of this Response, Applicants respectfully request that the Examiner withdraw this rejection and permit the present application to issue as a patent. *See* M.P.E.P. § 804.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication that Claims 5, 9, 14, and 18 would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. However, these claims depend from amended independent Claims 1 and 10, which are allowable for the reasons discussed above, and are thus allowable in their current form.

CONCLUSION

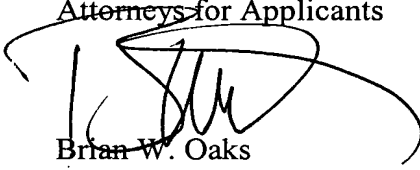
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953.6986.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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~~Attorneys for Applicants~~



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Date: March 24, 2004

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